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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The Kroger Co.,	:	Case No.: 0-1-02 439
	:	
Plaintiff,	:	Beckwith, J.
	:	Sherman, M.J.
v.	:	
	:	
Malease Foods Corp., formerly	:	DECLARATION OF
known as Malease Foods Corp.,	:	LAWRENCE KADISH
Defendant.	:	IN OPPOSITION TO KROGER
	:	MOTION AND IN SUPPORT OF
	:	MALEASE'S MOTION FOR
	:	<u>SUMMARY JUDGMENT</u>

LAWRENCE KADISH declares under penalty of perjury pursuant to 28 U.S.C.

§ 1746:

1. I am the President, sole director and sole shareholder of Malease Foods Corp. ("Malease"). I was directly involved in the 1983 transactions between Malease, Merrill Lynch and the Balkhouse entities. I have personal knowledge of the facts herein set forth and submit this declaration in opposition to the Kroger motion and in support of Malease's motion for summary judgment.

2. I have been an owner and developer of real estate for more than 40 years. Most of the properties I own are single tenant net lease properties leased to large retail tenants such as K-mart, Winn Dixie, Safeway, Home Depot, Target, Federated Department Stores, Con Agra and Shoney's. I own such properties today in not less than 30 states in the United States.